

# EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

CHELSEA GILLIAM, et al., )  
Plaintiffs, )  
vs. ) CIVIL CASE NO.  
DEPARTMENT OF PUBLIC SAFETY & ) 1:23-cv-01047-MJM  
CORRECTIONAL SERVICES, et al., )  
Defendants. )  
9:01 a.m.

WEDNESDAY, NOVEMBER 22, 2023  
Courtroom 5C  
Baltimore, Maryland

TRANSCRIPT OF PROCEEDINGS  
ZOOM TRO HEARING - VOLUME II  
BEFORE THE HONORABLE MATTHEW J. MADDOX

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(Computer-aided Transcription of Stenotype Notes)

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## Continued Direct Examination - Kimberly Stewart

1 interaction with staff that they observed in the courtroom, but  
2 they did stay in the room and would not have been on the tier.

3 So the investigation is ongoing. At this point we haven't  
4 been able to substantiate anything but we will continue to  
5 investigate.

6 Q. Thank you. So we're going to pick up on your testimony  
7 from yesterday. So did there come a time at Patuxent when  
8 Ms. Grey was placed on administrative segregation?

9 A. Yes, on October 13th.

10 Q. Okay. And what led to Ms. Grey's placement on admin seg?

11 A. So I was the duty officer the month of October. The Chief  
12 of Security, myself, and the Warden rotate. Any time there's  
13 an incident going on in the facility the duty officer receives  
14 a call.

15 I received a call that evening that a confidential  
16 informant had approached the intel department saying that there  
17 was a rumor going around the facility that Ms. Grey had engaged  
18 in a sex act with another incarcerated individual, Mr. Carlton  
19 Bell, that the sex act occurred during early setup for Muslim  
20 service. Carlton Bell is a Muslim inmate. And that another  
21 unidentified Muslim incarcerated individual had walked in on  
22 them during the sex act, that the Muslim community was in an  
23 uproar over the disrespect to their religion and to their  
24 service.

25 Intel further advised me that Carlton Bell had recently

## Continued Direct Examination - Kimberly Stewart

1 been released from disciplinary segregation for a physical  
2 fight with a different Muslim individual and was already on the  
3 outs with the Muslim community and that there was a concern  
4 that the Muslim community may retaliate for this act of  
5 disrespect against both Ms. Grey and Mr. Bell.

6 There was also a concern that if this rumor reached  
7 Mr. Scott Brill, who has a history of being potentially  
8 assaultive and he believed that the sex act had occurred, that  
9 Ms. Grey and/or Mr. Bell could also possibly be in danger from  
10 him as well. So with all of that alleged and made, a decision  
11 was made to place both of them on administrative segregation  
12 pending the investigation.

13 In an initial conversation with Ms. Grey, she reported to  
14 Sergeant Owens, she admitted to being in the area where the  
15 alleged sex act occurred, so we knew all of that on October  
16 13th that she admitted that she was in the area, she denied  
17 there was a sex act, but this rumor, true or not, was being  
18 talked about in the facility and believed by the majority of  
19 the facility, and due to the potential safety risk she was --  
20 they were both placed on administrative segregation.

21 We also initiated the two SIRS and PREA complaint.

22 Q. So is placement on administrative segregation, when  
23 something like that occurs, is that an ordinary response?

24 A. Yes. If there is any concern that an individual may be in  
25 danger or that an individual poses a safety and security risk

## Direct Examination - Dan Pacholke

1 supervision and no video surveillance.

2 MS. DONOHO: Your Honor, I would object and ask that  
3 answer be stricken for speculation. He doesn't know any of the  
4 actual background and has been going off of speculation and it  
5 also misconstrued the prior testimony of AW Stewart.

6 THE COURT: The objection's overruled.

7 BY MS. GOLDEN:

8 Q. Is it standard or accepted correctional practice to  
9 acceptable to tell an inmate if she doesn't -- that she won't  
10 be charged for throwing water if she drops the charges against  
11 another inmate for throwing water?

12 A. No. That sounds very informal and outside the rules.

13 Q. And in your experience just generally, why would any  
14 inmate not want to pursue criminal charges?

15 A. well, there can be a variety of reasons, but Ms. Grey  
16 presents as a slight build -- she presents as a woman, slight  
17 build, not very tall, not much body weight who's serving a  
18 very, very long sentence. So part of it could be just doesn't  
19 want to be labeled a snitch and doesn't want to spend her  
20 entire sentence in segregation.

21 Part of it could be that someone either relayed  
22 information, hey, you better not follow through on that. But I  
23 think a lot of it can tie back to how they're viewed by the  
24 general population of the prison system when they're facing  
25 very long sentences and, at least in her case, it appears to be

## Direct Examination - Dan Pacholke

1 a person that would struggle to physically defend herself.

2 Q. Can you say a little bit more about what it means to be  
3 marked as a snitch?

4 A. Well, it really depends on where you're at, I suppose, in  
5 which state that you're residing in, but overall, you know,  
6 there's a rule, they're not supposed to tell on each other and  
7 to a certain degree there is an inmate code around that and  
8 sanctions can be placed against you by either the person that  
9 you informed on, or perhaps their colleagues or friends or  
10 perhaps just someone that wants to make a name for themselves  
11 by saying, hey, I heard you're a snitch, I don't want you on my  
12 unit. I mean, those things are real.

13 Q. When you say there's a rule and sanctions, a prison --  
14 official prison rule?

15 A. It's more inmate culture, I would say, around informing in  
16 general.

17 Q. And does that same cultural taboo apply to disciplinary  
18 charges?

19 A. Can you please repeat that?

20 Q. Sure. Does that same taboo about snitching apply not just  
21 to criminal charges but internal disciplinary charges?

22 A. Yes.

23 Q. Okay. I'd like to talk about the incident I think you've  
24 heard described that Ms. Grey was charged with a disciplinary  
25 violation for in the yard.